

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK**

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| Biofer S. p.A., Plaintiff, v. Vifor (International) AG., Defendant. | Case No. 1:22-cv-02180-AMD-SJB DECLARATION OF BENJAMIN D. WITTE IN SUPPORT OF PLAINTIFF’S MOTION TO COMPEL |
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I, Benjamin David Witte, do hereby declare as follows:

1. I am an attorney licensed to practice law in the State of Georgia and am admitted *pro hac vice* in this matter. I am an attorney at the law firm of Greenberg Traurig, LLP, and counsel for Plaintiff Biofer S.p.A. I submit this Declaration in support of Plaintiffs’ Letter Motion to Compel Production of Documents and Information filed concurrently in the above captioned matter.
2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff’s Third Set of Requests for Production of Documents and Things (Nos. 51-77) dated February 15, 2023.
3. Attached hereto as Exhibit 2 is a true and correct copy of Plaintiff’s Third Set of Requests for Production of Documents and Things (Nos. 78-88) dated May 12, 2023.
4. Attached hereto as Exhibit 3 is a true and correct copy of Plaintiff’s Sixth Set of Requests for Production of Documents and Things (Nos. 127-131) dated October 20, 2023.
5. Attached hereto as Exhibit 4 is a true and correct copy of the Declaration of Allan S. Myerson, Ph.D., in Support of Plaintiff Biofer’s Motion to Compel Production of Vifor’s Recorded pH Measurements for the Accused Batches, dated November 29, 2023.
6. Attached hereto as Exhibit 5 is a true and correct copy Vifor’s INS000291-SAP-DE03v.8, produced by Vifor in this litigation with production numbers VIFOR_00014823-14847.
7. Attached hereto as Exhibit 6 is a true and correct copy of United States Patent No. 8,759,320 B2.
8. Attached hereto as Exhibit 7 is a true and correct copy of images produced by Vifor

in this litigation with production numbers VIFOR_00053662, -53685, -53700, -53704, -53705, -53706.

9. Attached hereto as Exhibit 8 is a true and correct copy of Defendant Vifor (International) Ag's Objections and Responses to Plaintiff's Third Set of Requests For Production Of Documents And Things (Nos. 51–77), dated March 17, 2023.

10. Attached hereto as Exhibit 9 is a true and correct copy of Defendant Vifor (International) Ag's Objections and Responses to Plaintiff's Fourth Set of Requests For Production Of Documents And Things (Nos. 78-88), dated June 12, 2023.

11. Attached hereto as Exhibit 10 is a true and correct copy of Defendant Vifor (International) Ag's Objections and Responses to Plaintiff's Sixth Set of Requests For Production Of Documents And Things (Nos. 127-131), dated November 20, 2023.

12. Attached hereto as Exhibit 11 is a true and correct copy of Vifor's Appearance and Response with Counterclaim filed in the Court of Milan, dated July 14, 2023, and produced in this litigation having production numbers BIOFER_000016393-16449.

13. Attached hereto as Exhibit 12 is a true and correct copy of Defendant Vifor (International) AG's Objections and Responses to Plaintiff's Fourth Set of Interrogatories (Nos. 10-11) dated November 27, 2023.

14. Attached hereto as Exhibit 13 is a true and correct copy of Defendant Vifor (International) Ag's Amended Objections and Responses to Plaintiff's Third Set Of Requests For Production Of Documents And Things (Nos. 51–77), dated September 21, 2023.

15. Attached hereto as Exhibit 14 is a true and correct copy of Defendant Vifor (International) Ag's Amended Objections and Responses to Plaintiff's Fourth Set Of Requests For Production Of Documents And Things (Nos. 78-88), dated September 21, 2023.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 1, 2023

/s/ Benjamin D. Witte

Benjamin D. Witte

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